

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45237 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

Shiv Prashan Singh, Son of Late Raj Kumar Singh, Resident of Village-
Sector 9D, Quarter no.2033A Road, P.S.- Harla Thana, Distt.- Bokaro
(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Vijay Anand, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Malaypur P.S. Case No. 57 of 2021 registered
for the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Sections 30(a), 36, 41(i) of the Bihar
Prohibition and Excise Act.

The police on a secret information, intercepted the
truck bearing registration no. CG04DM- 4088 and on search
2160 litres of illicit liquor was recovered. It is further alleged



that the truck was followed by one Maruti Suzuki car, which was also intercepted and the persons, who were seated in the truck and Maruti Suzuki car, were apprehended.

It is submitted by the learned counsel appearing on behalf of the petitioner that that the petitioner is not named in the F.I.R. He next submits that the co-accused Vikash Kumar, on whose disclosure, the name of the petitioner surfaced, has already been granted bail by this Court in Cr. Misc. No. 43931 of 2022 vide order dated 12.10.2022. He next submits that the petitioner is neither the owner of the vehicle nor any incriminating material has been recovered from his person or possession. He lastly submits that only on the basis of the disclosure made by co-accused person and the call detail records, his name has been implicated in this case, though the petitioner is in custody since 22.07.2022.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is also found involved in five other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record and the fact that the name of the petitioner has been transpired only on the basis of disclosure made by co-accused Vikash



Kumar, who has already been granted bail by this Court, and save and except the call detail records, there is no other material suggesting the complicity of the petitioner, however, the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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